

App. F. IX-4

Previous References

II
193
(*Legis*)

File No. 32

Serial Nos.

Later References

General and Revenue Secretariat.

Serial Nos.

Part 2 for

SUBJECT.

*Misc papers & references connected
with the Mysore Irrigation Regulation 1932
(Reglu I of 1932)
Enclosures to Legis A file no. 32-31-1-4*

Serial
No.

Mr. D. Srinivasa Iyengar has given notice of certain suggestions to be considered in connection with the Irrigation Bill and requests permission for considering them at the next meeting if the Chairman thinks it ~~better~~. It does not seem to be necessary to circulate them. They are mostly provisos to certain clauses. The Chairman may grant permission at the meeting for such of the clauses as are considered suitable.

Notes on the suggestions:-

(1) This suggestion provides ~~that~~ for a kind of remission in cases where some lands are affected by regulation of water under Clause 12. It has been originally suggested by certain members that provision should be made to the effect that the regulation of water should be without prejudice to vested rights, if any. After discussion this point was withdrawn at the third meeting. The non-official members have not pressed for any compensation in such cases. Their suggestions in regard to compensations in general may perhaps be awaited.

(2) This proviso compels a person to take water and if he fails, the alternative is the acquisition of the land by the Government on payment of 20 times the assessment ^{value}. An ~~acquisition~~ clause of this sort may not find much support. Further, it was after

prolonged discussion and considerable difficulty that clause 13 as it stands at present has been passed.

(3) This provides that in determining the irrigable area, no lands classed as wet should be continuously deprived of water for more than 3 years in succession. It may not be advisable to fetter the discretion of the Irrigation Officer by a statutory provision like this, because it may not be practicable under the particular circumstances of the seasons in ~~the~~ succession of years to allow water for certain lands, for example at the tail end.

(4) The suggestion is that the contribution ~~was~~ shall not exceed the additional value imparted to the land by reason of its being commanded by the irrigation work. Clause 21(2) in its present form is adopted as being in accordance with the existing rules. One third of the difference between the value of the wet and dry lands in the locality would perhaps be the same as the additional value imparted by the irrigation facility. There may also be objection to the Government claiming the entire portion of the "unearned income" as contribution.

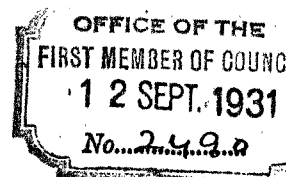
(5) ~~not~~ ^{this} prescribes the manner of service of a general notice. This may be added as second paragraph to Section 42.

He may move it:
but I don't suppose
it will receive
support

same -
No objection however
to this being
moved

45

45



1st Member)

6
14/9/31
6/10/31

Serial
No.

Subd with draft & fair
acknowledging the D.O

True
17/9

mm

6/7/9

Issued P1684 of 17-9-31

Serial
No.

Printed
~~good~~ copies of Proceedings
of the Secret Committee
meeting have been received.
A copy is put up with the
original. When a few
corrections necessary and
then are indicated for approval.
Draft forwarding copies
to members is also subd.

Done
4/11/30
Jm
4/11

Please have the set
from the Press 50 copies as revised
9895/11

Draft subd as directed

Done
5/11
Jm
5/11

Issue
9895/11

Order No 2516 dt 5.7.30

Subd

Printed copies of the Proceedings
as revised have been received.
A copy is put up for perusal.
Draft forwarding copies to members
is already in the file

subd

Done
7/11/30
Jm
7/11

Issue 989
7/11

No O 2580-95 dt 10.11.30

NOTE - Contn. Sheet

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

()

the

193

Date of issue..... 10/11

Signed by..... Mr. R. S. Dyanat

List of enclosures.....

Copied by..... 10/11

Examined by.....

Section

File No.

Serial No.

No. P 2580-95

Enc one

To

The Members of the
Select Committee

Sir

I am directed
to forward herewith
for your information
a copy of the Proceedings
of the first meeting of the
Select Committee to Consider
the Cyprus Irregularities Bill

I have etc

289 See to the
5/11 Select Committee

[over

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 21st November 1930.

No.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

Sir,

I am directed to forward herewith for your information
a copy of the proceedings of the first meeting of the Select
Committee to consider the Mysore Irrigation Bill.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to the Select Committee.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ~~6th November 1930.~~

No.

From

*The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.*

To

The Members of the Select Committee.

Sir,

I am directed to forward herewith for your information
copy of the proceedings of the first meeting of the Select
Committee to consider the Mysore Irrigation Bill.

I have the honor to be,

Sir,

Your most obedient servant,

NSI

Secretary to the Select Committee

NSI

8th November 1936

I am directed to forward herewith for your information a copy of the Proceedings of the first meeting of the Select Committee to consider the Mysore Irrigation Bill.

I have the honor to be,

Sir,

Your most obedient servant,

Xax Secretary to the Select
Committee.

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
30TH AUGUST 1930.

All the members except Mr. H. B. Gundappa and Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary to Government, was also present.

The first three chapters were examined and the following decisions were arrived at :—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ordinarily be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows :—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in Section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘ May ’ to be substituted for the word ‘ shall ’

Between the words “ or ” and “ have ” the words “ if the applicant so desires ” should be inserted.

A comma to be added at the end of “ Public Works Department.”

Instead of the words ‘ time and mode of completion ’ the words “ mode of execution and time of completion ” should be substituted.

Instead of the words “ as may be decided upon ” the words “ as may be relevant ” should be substituted.

The words “ of the District ” should be added after “ Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows :—

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘ or otherwise ’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows :—

“ Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court ”

Diary No. of letter replied to.....

General and Revenue Secretariat
()
the 193

Date of issue..... 5/11/30

Signed by..... Mr. R. S. D.

List of enclosures.....

Copied by..... [Signature]

Examined by.....

In mistake

Section

File No.

Serial No.

No. P2576
One one

To

The Superintendent

Gout Printing

Sir,

I am directed
to forward herewith
a copy of the Proceedings
of the meeting of the
Select Committee to
consider the ^{Myse} Migration
Bill and to request
that in as much as
the matter is printed,
particularly ~~at~~ the
last ^{part} marked (4) and (5)

[over

Creates some confusion,
~~it stands~~, the same
may kindly be ^{reprinted} ~~revised~~
as corrected and 50
more copies supplied
to this office by
to-morrow evening.

The matter may
kindly be treated as
urgent.

I have etc

2889 In Secy to Govt
5/11 Rd

Done
5/11 AM 9/11

IMMEDIATE.

P2376 Dva

5th November 1930.

The Superintendent,
Government Printing, Bangalore.

I am directed to forward herewith a copy of the proceedings of the meeting of the Select Committee to consider the Mysore Irrigation Bill and to request that in as much as the matter as printed, particularly the last portion marked (4) and (5) create some confusion, the same may kindly be reprinted as corrected and 50 more copies supplied to this office by to-morrow evening.

The matter may kindly be treated as urgent.

I have the honor to be,

Sir,

Your most obedient servant,

NSJ

For Secretary to Government
Law Department.

pmc

c.n.

was

Please send me back
the original of the
proceedings. This was
required to be returned

B. Mahalingam Rao
Proctor

3.11.30.

The Head Examiner is on leave, and
on his return, the original will be
searched for and sent to you.

3/11/30.

~~See memo~~

Yours faithfully
H. V. Narasimha Rao
Examiner

proceedings of the First meeting
of the Select Committee of the Legislative
Council to consider the Mysore Irrigation Bill
held on 30th August 1930.

All the members except Mr H.B. Gundappa
and Dr.L.C.Coleman were present.

Mr.B.Narayanaswamiengar, Development
Secretary to Government was also present.

The first three chapters were examined
and the following decisions were arrived at:-
Chap.I.

With reference to the definition of
'Irrigation work' the question was raised
whether Thalaparige (ತಾಲಪರಿಗೆ) can be said
to be included thereunder. It was considered
desirable that Thalapariges may expressly be
included under the definition. ~~(It may be
added as (a))~~

Re. the definition of 'Drainage work' it
was suggested that the word 'means' may be
replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was
suggested that the word "Joint" may be --
omitted.

With reference to the definition of
"labourer" it was considered desirable that
it may altogether be omitted, and that in
place of the words "all or any of the labourers"
used in sec. 23 the expressions as employed
in section 58 Bombay Act, all or any of the
able bodied "Persons" able bodied persons
may be substituted.

It was decided that the word "occupier"
may be included in the definitions and it
may be defined on the same lines as in the

Madras Bill with the addition "and --
includes a tenant?

Referring to the definition of 'Magistrate' Mr.H.B. Dasappa expressed the --
~~definition~~ opinion that ex-Officio Magistrates should not ordinarily be empowered under the Regulation to try offences.

Chapter II.

With reference to clauses 5 and 6 of the Bill Objection was taken to certain expressions used in the last portion of cl.6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as -- follows:-

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the -- efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special -- orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the

regulation maintenance or management of
the irrigation or drainage work "

With reference to the provisions as regards notice in Sec.7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

Chapter III.

With reference to ^{clause} sec.8 the following changes were suggested-

'may' to be substituted for the word 'shall'

Between the words "or" and "have" the words "if the applicant so desires" should be inserted.

A comma to be added at the end of "Public Works Department".

Instead of the words "time and mode of completion" the words "mode of execution and time of completion" should be substituted.

Instead of the words "as may be decided upon" should be substituted.

The words "of the District" should be added after "Deputy Commissioner," and ^{a second appeal} ~~it~~ should be provided for.

[^]
The amended ^{clause} section will be as -- follows:-

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose,

either permit the applicant to construct, extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the P.W.D., on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commr. of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words 'or otherwise' may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub clause of section 10.

It would read as follows:-

Whenever a dispute arises between two
or more persons in regard to their mutual
rights or liabilities in respect of the
use, construction or maintenance of a
water-course, or among joint owners of a
water course, as to their respective --
shares of the expense of constructing
or maintaining such water course, or as
to the amount severally contributed by
them towards such expense, or as to --
failure on the part of any owner to con-
tribute his share,

any person interested in the matter of
of such dispute may apply, in writing, to
an irrigation officer duly empowered to
receive such applications, stating the
matter in dispute.

Such officer shall then hold a
summary enquiry in the manner prescribed
in section 203 Land Revenue Code after giv-
giving notice to the persons interested
and pass his order thereon.

An appeal shall lie as against his
order to the Deputy Commissioner of the
District whose order thereon shall remain
in force until set aside by a decree of a
Civil Court.

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
30TH AUGUST 1930.

All the members except Mr. H. B. Gundappa and Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary to Government, was also present.

The first three chapters were examined and the following decisions were arrived at :—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ordinarily be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows :—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in Section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘ May ’ to be substituted for the word ‘ shall ’

Between the words “ or ” and “ have ” the words “ if the applicant so desires ” should be inserted.

A comma to be added at the end of “ Public Works Department.”

Instead of the words ‘ time and mode of completion ’ the words “ mode of execution and time of completion ” should be substituted.

Instead of the words “ as may be decided upon ” the words “ as may be relevant ” should be substituted.

The words “ of the District ” should be added after “ Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows :—

Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘ or otherwise ’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows :—

“ Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court ”

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

The First Member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and there should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

The question of providing for compensation was reserved to be examined further.

Clause 15. This clause was discussed at length. The suggestions provisionally approved were on the following points :—

(1) Government may be empowered to form Irrigation Committees to assist the 'Irrigation Officer' in accordance with rules to be framed by Government in that behalf.

(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit.'

(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

There was a discussion regarding the rate of remission and non-official opinion was generally in favour of having the words 'not less than half'; Mr. K. R. Srinivasaiengar was not in favour of the wording suggested.

Regarding para 2 of the clause it was agreed that the period for preferring an appeal should count from the date of the service of the order in the manner prescribed in section 42 and that a further appeal should be allowed as in the case of clause 8 (*vide* First days Proceedings).

Clause 16. Sub-clause (2) was reserved for consideration later.

CHAPTER V.

cat/cx The heading was agreed to be changed into "of the construction or Improvement of Irrigation works on Special terms."

Clause 17. The applicability of the clause to Irrigation Works of the type of Krishnarajasagara Works was discussed at length.

The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

PROCEEDINGS OF THE THIRD MEETING OF THE SELECT COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL HELD ON 21st JULY 1931.

The Select Committee met at 1 P.M., with *Rajamantrapravina* K. Matthan, B.A., Second Member of Council, in the Chair.

All the members except Mr. N. Rama Rao, and all the six invitees from the Representative Assembly were present.

As the first and second meetings of the Committee had taken place long back and some points had been left over for consideration, it was decided to go through the Proceedings of these meetings first, and then continue the consideration of the clauses of the Bill left over at the second meeting.

Some of the decisions already arrived at were re-affirmed and some were modified. The decisions so re-affirmed or modified stand as follows:—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of the term "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, suitable words may be substituted when that section comes for consideration.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

"'Occupier' means in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant."

Referring to the definition of 'Magistrate,' the opinion was expressed that a recommendation may be made by the Committee to the Government that Revenue Officers who are *Ex-officio* Magistrates should not be empowered to try offences under the Regulation.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, the previous decision to substitute a clause similar to clause 19 of the Madras Bill was rescinded, and it was considered desirable to have two separate clauses as they are in the Bill, one giving power for entry, etc., in the normal course, and the other for doing certain acts in emergencies.

The question whether the notice referred to in clause 7 should be oral or written was discussed at length and it was decided by a majority that written notice may be dispensed with in cases of emergency and that in other ordinary cases notice should be in writing. The clause re-cast would be as follows:—

"When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6

to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any Irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice, *as the urgency of the case may allow. Such notice shall be in writing except in a case of emergency.*"

CHAPTER III.

With reference to clause 8, the following changes were suggested—

'May' to be substituted for the word 'shall.'

Between the words "or" and "have" the words "if the applicant so desires" should be inserted.

A comma to be added at the end of "Public Works Department."

Instead of the words "time and mode of completion" the words "mode of execution and time of completion" should be substituted.

Instead of the words "as may be decided upon" the words "as may be relevant" should be substituted.

The words "of the District" should be added after "Deputy Commissioner," and a second appeal should be provided for.

The words "of the service" be inserted between the words "date" and "of" in both places in para 2 of clause 8.

The amended clause will be as follows:—

Any person desiring the construction, extension, improvement, or alteration of a water-course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the service of the said order to the Deputy Commissioner of the District and as against his decision, a second appeal shall lie within 90 days from the date of the service of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words 'or otherwise' may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows:—

"Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

Any person interested in the matter of such dispute may apply, in writing to an Irrigation Officer duly empowered to receive such applications, stating the matter is in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court."

CHAPTER IV.

Clause 12 was approved generally. The following points were discussed at length :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and there should be a provision for appeal.

In regard to point No. (1) it was the general opinion that Government may be requested to provide in the rules to be framed by them that the enquiry under this section may be done in consultation with Panchayets or Special Committees formed for the purpose.

After some discussion point number (2) was withdrawn.

In regard to point number (3), the general sense of the committee was that appeals should be provided for. This may be secured by the addition of a new sub-clause (2) to clause 12 making the existing clause sub-clause (1).

“(2) Against the order of an officer other than the Deputy Commissioner under sub-clause (1), an appeal shall lie within 30 days from the date of such order and against the original or appellate order of the Deputy Commissioner, an appeal shall lie to the Revenue Commissioner, within 90 days of such order.”

There was a lengthy discussion as to why this clause should be made applicable only to new irrigation works. On one side it was contended by some members that old irrigation works should also be included in this section, so that a person may be enabled if he chose to apply for supply of water from an old irrigation work on such terms as Government may fix. It was pointed out that applications in respect of old irrigation works would be subject to the rules under the Land Revenue Code as at present. On the other side, it was contended by some members that even for new irrigation works Government should fix only such rates as may be ascertainable under the old rules, *i.e.*, Survey rates, and ultimately they suggested that at least in respect of new irrigation works costing less than a certain sum to be fixed, the ordinary provision of the Land Revenue Code in regard to water rates should apply.

The clause was not fully considered.

As the several members expressed inconvenience to continue the sitting on the next day, it was decided that the meeting should be held on the 17th August and continued from day to day till all the clauses of the Bill are completely considered.

C. SUBRAMANYA IYER,
Secretary to the Select Committee.

D.O.No. 29/31-32

Office of the Excise Commissioner
in Mysore,

Encl.

BANGALORE, dated 9th September 1931.

Ce
11.9.31

Dear Sir,

I beg to "give notice" of the following suggestions to be considered in connection with the Irrigation Bill and request that the same may be considered at the next meeting if the Chairman thinks fit.

Yours Sincerely,

D. Srinivasa Iyengar

C. SUBRAMANYA IYER, Esq., B.A., B.L.,
Under-Secretary, Law Department,
Public Offices, BANGALORE.

(1) <u>Reference.</u>	<u>Proposals.</u>	<u>Remarks.</u>
Section 12.	At the end of the Section, add the following proviso:- "provided that, on a representation from holders of land, holding not less than one-third of the cultivable lands under the said Irrigation work, that the Water Supply to their lands has been materially diminished by such regulation, the Government in the department concerned, may enquire into the allegation and pass such orders as may be necessary in respect	By the "regulation" of the Water Supply as regards period, quantity, etc., the "class" of the Water Supply to which a land was previously entitled may be raised or lowered. In such cases, the parties affected may seek for redress which should be afforded by varying the assessment according to the altered water supply. Hence this proviso.

Reference.

Proposals.

Remarks.

of the water rates or rates
of assessment due on the -
several lands in the achkat."

(2)

Section 13. At the end of this Section, add a proviso as follows:-

"provided that if a holder (or holders) of land under a new Irrigation work contumaciously refuses to take water, the Deputy Commissioner shall have power to acquire the occupancy of the land on payment of 20 times the existing assessment thereon. On payment or tender of such amount, the land shall vest in Government, free of all encumbrances created by the holder and will be at the disposal of the Deputy Commissioner."

This proviso is necessary in order to meet cases of any deliberately obstructive tactics that may be adopted by one or more landholders. In the absence of such a provision it is easily possible for a number of men to band themselves together and nullify the beneficial objects of an Irrigation project, by saying that they do not desire to take the water provided and are not prepared to pay water-rate.

(3)

Section 15. At the end of para 1, add a proviso as follows:-

"provided that no Survey Number classed as wet is continuously deprived of water for more than 3 years in succession."

This provision is necessary in view of the impartial treatment that should be meted out to all the landholders. It is not fair that some people should get water and raise good crops year after year, while others are denied the same chance. The mere remission

2

of

Reference.

Proposals.

Remarks.

of $\frac{1}{3}$ assessment is not adequate to meet the loss likely to be sustained by such prolonged deprivation of water. Hence the necessity for this provision.

(4)

Section 21.
Sub-Sec. 2.

Sub-Section 2 may be changed as follows:-

"The contribution referred to in Clause (d) of Sub-Section 1, shall in no case exceed the additional value imparted to the land by reason of its being commanded by the Irrigation Work in question."

There is an essential difference between the water-rate and the contribution payable. The water-rate is, or may be regarded as, a charge for the hire of water, while the contribution is the consideration for enhanced value of a land due to its inclusion in the area commanded by a large irrigation work. It is only fair that in such cases the additional value (being clearly an unearned increment) should go to the Public Funds. Per contra, if an irrigated land should at any time be permanently deprived of its water supply, it will be the natural right of the landholder to be compensated to the extent to which his land falls in value. In the one case as in the other, the full value has to be taken and not half, or one-third, or any other fraction of the value.

2

<u>Reference.</u>	<u>Proposals.</u>	<u>Remarks.</u>
(5) <u>Section 42.</u>	After Section 42, another Section should be added as follows:- "The publication of any notice under this Regula- tion shall be made by - affixing a copy thereof in some conspicuous place in the Chavadi or other public office, if any, in the vil- lage, and also by beat of drum throughout the village."	Section 42 provides for service of notices on indi- viduals only; but some pro- vision is necessary as to how a general notice has to be "published." (See Sections 12, 15, 18 and 23).

13

GENERAL AND REVENUE SECRETARIAT

Dated. Bangalore, 17th September 1931.

D. O. No. P 1684/Liga

Dear Sir,

I am desirous to acknowledge with thanks your D.O.No.29/31-32 dated 9th September 1931, forwarding your suggestions in connection with the Irrigation Bill coming up for consideration at the meeting of the Select Committee on the 21st instant.

u
Yours sincerely,

To

D. Srinivasa Iyengar, Esq., B.A.,
Excise Commissioner in Mysore,
Bangalore.

K.M.R.2.
17/9.

PROCEEDINGS OF THE FOURTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 17TH AUGUST 1931.

The Select Committee met at 1 P.M., with *Rajamantrapravina* K. Matthan, B.A., Officiating First Member of Council, in the Chair.

All the members except Dr. Coleman, and all the six invitees from the Representative Assembly were present.

The proceedings of the third meeting had been printed and circulated to the members, and they were adopted.

After a prolonged discussion, clause 13 was adopted, subject to the insertion of a provision that rules to be framed in respect of water rates for supply of water from irrigation works, constructed at an outlay of less than one lakh of rupees and not coming under Chapter V of this Regulation, should be in conformity with the provisions of the Land Revenue Code and Rules thereunder.

The following may be inserted at the end of para 2:—

“ Provided that the rates leviable for the supply of water for irrigation from new irrigation works constructed at an outlay of less than one lakh of rupees and not falling under Chapter V of this Regulation shall be fixed in conformity with the provisions of the Land Revenue Code and the Rules thereunder.”

In clause 14, the following changes were suggested:—

(i) The marginal note to be altered into “Supply of water not to be stopped except under certain circumstances;”

(ii) Insert, after para (b), the following as para (c):—

“(c) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water.”

(iii) Change the present clause (c) into clause (d).

In clause 15, it was decided that, instead of the first para of this clause, a clause on the lines of Section 15 of the Tank Panchayet Regulation, with suitable alterations, be substituted.

Regarding para 2, it was agreed that the period for preferring an appeal should count from the date of the service of the order and that a further appeal should be allowed as in the case of clause 8.

There was a difference of opinion regarding the quantum of remission, some desiring that it should be more than half, and it was decided by a majority that it should be one-half of the assessment. (Some of the co-opted members of the Representative Assembly were against this decision.)

The clause would read as follows:—

(1) “An Irrigation Officer specially empowered by Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under subsection (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

Against the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and as against his decision, a second appeal shall lie within ninety days from the date of the service of this order, to the Revenue Commissioner whose decision shall be final."

It was the general opinion that Government may be requested to provide, in the rules to be framed by them, that the Irrigation Officer may exercise the powers under this section in consultation with Tank Panchayets (where such exist) or Special Irrigation Committees to be formed for the purpose.

(NOTE.—This section as amended will not be inconsistent with section 13. In the rules to be framed under section 13, one of the terms should be that the supply of water will be subject to the powers of the Irrigation Officer under section 15.)

Clause 16.—Para 1 of this clause was approved.

In respect of para 2, the following amendments were suggested:—

- (i) Insert "any work or" between the words "use of" and "land" in the first line, and
- (ii) Add the following words at the end of the para:—
"except when such right is transferred with the land, building or other immovable property having such right."

CHAPTER V.

In the heading of this Chapter, the alteration of the word "maintenance" into "improvement" was suggested.

The following changes were suggested in clause 17:—

- (i) omit "is not likely to be remunerative" and substitute "cannot be undertaken";
- (ii) omit "an" in "payment of an acreage"; and add "a specified" between "payment of" and "acreage";
- (iii) omit the words "in accordance with such rules as may be framed by the Government."

It was the opinion of the Committee that in regard to irrigation works costing less than Rs. 25,000 the present procedure of taking up such works without payment of contribution or on payment of voluntary contribution should be continued.

The following may be added as para 2:—

"Nothing contained in this chapter shall be deemed to preclude Government from undertaking the construction and improvement of any Irrigation Work without recovery of contribution or after recovery of contribution on a voluntary basis from the persons benefited."

ABSTRACT OF THE PROCEEDINGS OF THE FOURTH MEETING
OF THE SELECT COMMITTEE CONTINUED ON THE SECOND
DAY, 18TH AUGUST 1931.

All the members of the Committee, and all the Co-opted members of the Representative Assembly except Mr. H. Nanjundaraj Urs, were present.

Clause 17.—The following modifications were suggested in addition to those made on the first day.

Substitute “shall” for ‘may’ where it occurs for the second time in that clause.

The point that Government should have the power to dispense with the elaborate procedure enacted in this chapter in cases of smaller works or where people come forward with voluntary contributions which was discussed on the previous day was further examined. It was finally resolved that a para as follows should be added :—

“The Government may by notification in the *Official Gazette* declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

It was also agreed that a recommendation should be made to the Government to exempt tanks costing Rs. 25,000 or less from the provisions of this Chapter.

There was discussion as to what the term “Improvement” in this section meant and it was decided to add an *Explanation* to the following effect :—

“Improvement in this chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

The question arose whether the enhancement in supply should be in comparison with the supply existing at the time of the undertaking of the improvement or in comparison with the original supply as it was at the time of the construction of the Irrigation Works. The latter proposition was urged by some but it was not carried. The clause as amended would run as follows :—

“Whenever it appears to the Government that the construction or improvement of an Irrigation Work in any local area *cannot be undertaken* unless, on the lands Irrigable by such work, payment of a *specified* acreage contribution or water rate or both, is guaranteed, the Government *shall* direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

“The Government may by notification in the *Official Gazette* declare that the provisions of this Section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

Explanation.—“Improvement in this Chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

Clauses 18, 19 and 20 were approved.

Clause 21.—In sub-clause (2) it was decided to alter the word ‘one-half’ into ‘one third’ in accordance with the existing rule.

The periodical revision of water rate provided for in sub-clause (3) was the subject of a lengthy discussion. Mr. Belur Srinivasaiengar suggested that there should be no enhancement of water rate except by mutual consent. This was put to vote and lost. Mr. H. C. Dasappa proposed a proviso as follows :—

‘Provided the revised water rate and the assessment together do not exceed the wet assessment prescribable according to the rules under the Land Revenue Code.’ This found no support.

Ultimately it was resolved to modify the sub-clause as follows:—

“The water rate referred to in clause (e) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.”

It was also decided to make a recommendation to Government that the rate of increase should not exceed 25 per cent and that a provision to this effect should be inserted in the Rules to be framed.

Clause 22 was approved.

CHAPTER VI.

It was decided to delete from this Chapter the provisions relating to impressment of materials in emergencies. The words ‘and of materials’ in the heading of the Chapter are to be omitted.

Clause 23.—Omit ‘and materials’ in the marginal note.

Consistently with the decision arrived at the first and third meetings, it was decided to replace the word ‘labourers’ in para (4) of sub-clause (1) by the words ‘able bodied male persons.’

Sub-clause (ii) was decided to be deleted.

Clause 24.—The following changes were made:—

(i) Omit the words ‘or whose materials may be taken under this section.’

(ii) Omit the words ‘or for such materials.’

Clause 25 was deleted.

A new clause was added on the lines of section 60 of the Bombay Act. This will be numbered as clause 25. It is as follows:—

“An order made under section 23 shall be immediately reported to the
Reports to be made by Irrigation Officer. Deputy Commissioner.

In clause 26 the words “or section 25” were deleted.

As several non-official members expressed inconvenience to meet on the following day, it was decided to meet again on the 2nd September 1931 and the following days to finish the consideration of the Bill.

C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

PROCEEDINGS OF THE FIFTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 2ND SEPTEMBER 1931.

PRESENT.

Rajamantrapravina K. Matthan, B.A.,
First Member of Council. (*Chairman*).

All the members except Messrs. S. Hiriannaiya and H. C. Dasappa and all the invitees from the Representative Assembly were present.

The proceedings of the Fourth Meeting had been printed and circulated to the Members and they were adopted.

Clause 27.—After a prolonged discussion as regards the scope of the chapter, it was ultimately resolved to amend the clause as follows:—

“The provisions of this Chapter shall apply to tanks, river and spring channels, and other irrigation works which have been brought upto standard and handed over to the raiyats for upkeep.”

Clause 28.—A few members suggested that the liability to perform customary labour should be restricted to those who are directly benefited by irrigation, *viz.*, holders of wet or garden lands. The majority did not approve of this and wanted the clause to remain as it is. The following amendments were adopted:—

- (1) Omit the words “or drainage” in the second line of sub-clause (i) para (1).
- (2) Add the words “in the earth work” at the end of Clause (i) (a) after “holes”.
- (3) Omit the words “of all tanks” in clause (i) (g).
- (4) In sub-clause (ii) omit the words “a flat rate per acre of holding” and insert the words “such rates as may be fixed under rules made in this behalf”.

Also add the following words after the words “bound to perform the same”:—

“provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.”

Clause 29.—Omit the words “or drainage” in the second line.

Clause 30.—The following amendments were adopted:—

- (1) Omit the words “during the execution of any work”.
- (2) Omit the words “such work” and insert the words “any work under this chapter”.
- (3) Omit the words “upon the report of the Patel, the Irrigation Officer” and insert the words “or other officer empowered by Government in this behalf”
- (4) Omit the word “labourers” and insert the word “labour”.

Clause 31.—The clause was approved.

Clause 32.—It was agreed after discussion that the sum levied from a person failing to render customary labour should be the value of such labour and not in excess of it.

The following amendments were adopted:—

- (1) Omit the words “a sum not exceeding twice.”
- (2) Add the words “of service” after the words “from the date” in para 2.

It was suggested by a few members that a clause should be added that in the case of cumulative neglect of maintenance, the sum recoverable from the persons bound to perform customary labour should not be greater than one year's assessment of the lands included in the *atchket*, of the tank. This was not approved by the majority of the Committee.

The Committee desired to record in this connection that they strongly feel that the Government should impress on their officers that tanks should be inspected regularly, that maintenance work should not be allowed to accumulate, and that the officers neglecting their duty will be dealt with suitably.

CHAPTER VIII.

Clause 33.—The following amendments were adopted :—

(1) The words “Whoever voluntarily and without proper authority” to be placed at the commencement as the first para and the figure (i) to be placed before the word “damages.”

(2) Omit the words “or drainage” wherever they occur, in this clause, since the definition of “Irrigation work” includes “drainage works” also.

(3) Correct the figures “43” into “44” in sub-clauses vii and xi.

(4) Add the words “after he has been desired to desist therefrom” at the end of clause vii.

(5) The word “whoever” in clause xii to come after the previous “and” and the figure “xii” before “being responsible.”

(6) The words in clause xii commencing from “shall be deemed to commit.... rupees” to be put in as a separate para in the following amended form—

“shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in sub-sections (i) to (vi), x and xii of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections vii, viii, ix and xi with fine which may extend to fifty rupees.”

Clause 34.—The following amendments were made :—

(1) Omit the words “lawful excuse” and insert the words “sufficient and reasonable cause.”

(2) Omit the words “one hundred” and insert the word “fifty.”

(3) Omit the words “or with simple imprisonment which may extend to one month or with both.”

Clause 35.—It was resolved to omit the section since the Cr. P. C. will regulate summary trials according to the nature of the offence and the powers of the trying Magistrate.

SECOND DAY (3RD SEPTEMBER 1931.)

All the members except Mr. S. Hiriannaiya were present.

Clause 36.—It was resolved to omit the words “or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work.”

Clause 37.—There was prolonged discussion as regards the principle underlying this clause. It was not acceptable to the Committee in the form as it stood. It was the sense of the Committee that provision should be made for the constitution of Irrigation Panchayets or Committees and that certain powers should be entrusted to them by the Government, that powers similar to the one in clause 37 may be delegated to such Panchayets and that a suitable section therefor may be framed.

Clause 38.—This was approved with an amendment to omit the word “offence” in the proviso and insert the words “act or omission.”

Clause 39.—It was resolved that clause 39 be deleted and a section similar to section 6F of the Bombay Act be adopted. It will read as follows :—

“Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view—

- (1) wilfully damages, obstructs or fouls any irrigation work, or
- (2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.”

CHAPTER IX.

Clause 40.—Insert the words “or any irrigation officer subordinate to it or him” after the words “Deputy Commissioner.”

Insert the words “correctness, legality or” between the words “as to the” and “propriety.”

In para 2 omit the words “of a Deputy Commissioner” and insert the words “so called for.”

Insert at the end of the clause the words “in cases in which such order or decision is not declared by this Regulation to be final.”

Clause 41.—This was approved.

Clause 42.—Delete clause 42, and insert a provision as follows :—

“Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure.”

Clause 43.—Insert the words “Chapter V,” before the words “Chapter VI.”

Clause 44.—This was approved.

Mr. K. Changalraya Reddy suggested that some provisions should be inserted as in the Bombay Act relating to “Award of Compensation” to persons for injury that may be caused by the exercise of the powers under this Regulation. After some discussion Mr. Changalraya Reddy agreed to send to the Secretary a draft of the clauses he would suggest by the 14th instant so that they may be considered at the next meeting.

It was agreed that the next meeting may be held on the 21st and if necessary continued on the 22nd instant.

(Sd.) C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

CHAPTER.

Of Irrigation Panchayets and Boards.

Constitution of an
Irrigation Pancha-
yet.

1. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a substantial demand exists, constitute an Irrigation Panchayet for a village or for an individual irrigation work or part of such work.

Such Panchayet shall consist of the Patel and the Shanbhog and of 3 or more other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

Constitution of an
Irrigation Board.

2. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more panchayets or delegates therefrom in respect of an Irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

3. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

4. The Government may by rules to be framed in this behalf in respect of any Irrigation Work or class of Irrigation Works.

(a) prescribe the functions of an irrigation panchayet;

(b) prescribe the procedure to be adopted by an Irrigation

Panchayet; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in an Irrigation Officer under this Regulation.

Dissolution of
Panchayet.

5. If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

In place of Cl. 37 of the Irrigation Bill the following amended form is suggested.

37. When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

No. 9

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No. *Pr 270* ⁽¹⁾ Dated Bangalore..... *4/11/31* 192

To *Pr 270* OFFICIAL MEMORANDUM.

Members of the S.C. vide Flap N

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill *Myso*
Investigation Bill will be held in the Chambers
of the First Chamber of Council Public Offices,
Bangalore at 1. P. M. on Wednesday the
11th November 1931. On

The following papers are circulated for information
the..... 1931.

- 1) Proceedings of the previous meeting
- 2) Bill as amended by the S.C.
- 3) Draft Report of the S.C.

By Order,

Secretary, Mysore Legislative Council
Secretary, Mysore Legislative Council

Copy to:-

(1) P. A. to Member (S.C.) for immediately making the necessary arrangements
which arrangements are before (3) Q. A. & L. C. Office.

Personnel of the Committee to consider the Mysore
Irrigation Bill.

K. Matthan

Chairman:- Rajamanthrapravina C.S.Balasundaram Iyer, B.A.,

Members:-

Messrs.

1. P. ~~C.D. Souza~~ *M. S. P. Raju of alachchi*
2. L.C.Coleman
3. K.R.Seshachar
4. ~~P. Mahadevayya~~ *R. Periguel M. S. Srinivasan*
5. N.Rama Rao ✓ *S. Srinivasan*
6. K.R.Srinivasiengar ✓
7. B.K.Garudachar ✓
8. H.C.Dasappa ✓
9. The Chief Engineer P.W.D. ✓
10. H.B.Gundappa Gowda ✓
11. Belur Srinivasiengar
12. D.H.Chendrasekharaiya.

Invitees.from the R.A.

Messrs.

1. Chengalroya Reddy
2. D.S.Mallappa.
3. Nagappa Setty
4. J.Mahomed Imam
5. Nanjundaraj Urs
6. B.Gopalachar

M. S. Srinivasan

NOTIFICATION.

No. 4762—L. C., dated 16th May 1930.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Irrigation Bill is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Ex-officio Secretary,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law ; It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 .

Short Title.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein ;

Extent and commencement.

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are

inconsistent with any of the provisions of this Regulation and the Rules made thereunder in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent ;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

'Irrigation work.'

(1) "Irrigation work" includes —

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation ;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs ;

(c) All water courses and drainage works as herein-after defined ;

(d) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands ;

'New Irrigation Work.'

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force :

'Water Course.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe :

'Drainage work.'

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices groins and all works for the protection of lands from flood or from erosion

which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

Power of
Revenue
Commissioner
to review.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Power to
summon and
examine
witnesses.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be

Manner of
serving
notices.

made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

Jurisdiction
of Civil
Courts barred.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII.

Power to

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done;

(d) the amount of any charge to be made under this Regulation;

(e) matters falling under sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation such as, the construction of water courses (*hikkals*); the regulation of irrigation; the levy of contribution and water rate in respect of new irrigation works; the regulation of customary labour; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation

Whether 'deputy' amny. even
include 'amildar' employed-

Owner — may perhaps wish
'print' or retain Bombay &
Madras Act.

(18) To delete 'at the present time' later ver.
& adopting wording of Bombay Act
in sec 23. or Madras
amendment

Revised & noted
may be suggested
that all bills
may show not
necessarily in outward

(19)
In definition 'occupied' should be
defined as in Madras Bill & it
should be added "includes a
tenant."

formed or maintained by the Government either wholly or in part :

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation: 'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation: 'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified. 'Owner.'

(8) "Labourer" means any person accustomed to manual labour: 'Labourer.'

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation. 'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work. Power to enter upon land for purposes of inspection, etc.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the Powers for repairing or preventing damage to an irrigation or drainage work.

neighbourhood of any irrigation or any drainage work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measures or do anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

Construction, extension, improvement or alteration of a water course on the application of person interested.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

*Explanation:—*For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(xi) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(xii) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23, refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both. Penalty.

35. All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.

Persons convicted under section 33 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Provided that no person shall be punished twice for the same offence.

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view :

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work ;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of

works in place of section 506, Sec 19 of the
Madras Milk Manned Co. regulations

7) : of section 5 or section 6 may will go to Sect 6 the
unpaid as new
of the time -

7. $\rightarrow$ Whether "in writing" should be included -
To be included provisionally
As may be recommended

In stead of the word "shall" used "may"

'mode of execution' & 'time of completion' & the 'insertion'

71 ~~and "L" of~~
~~as well as~~ 11 goes -
dom or ... ~~11~~

Instead of "has he decided upon" ^{may} "whether" as ^{may} "relevant in each case".

INVK RP suggests, and concluded that

ADD: a comma after P.W.D. & add "if the applicant ^{desires}"

between "or" and "have"

Вот как он меням себя.

"as many as will"

& more of exⁿ & time of completion

Section 8 - add 11 and a second appeal shall lie

the A.C. line design should be

Alfred District Schauf Company

116

Section 14 Bombay Act 1900

10 (6) add^{10r} 'other' at end

Applicable Principles

John M. ...

10/10/1910

1123

Next meeting on -

28-11-30. Proceedings continued.

clause 12

At least ^{one} of them state "not below the rank of an infantryman"

To be
revised
for further
exam. in

It was suggested that power under 12
should be ~~as state also~~ ^{without prejudice to} ~~existing right of parties~~ ^{parties} ~~and~~ ^{guarantee} ~~of~~ ^{creation}

Such rules shall provide for consultation of
villagers among others & darning of existing

provided that much off may
be made
provided that
3 points

MR. R. S. proposed that he
may be the chairman. Reminded
Lawless - Harro

- 1) forming committee.
- 2) re. the right to be heard
what was the ^{value}
- 3) the law shall not be.

To be considered further

Question of compensation or
remission in case of failure of balance
that is provided for in the
Bombay Act — whether it will
be provided —

as in clause 31 of the Bombay
Act
in some part
done based on subject to
provision of compensation being
considered —

3 days
Appeal from the date of the
comm.

'Final' character to law —

To be considered in relation
to the
40.

A second appeal should be
provided

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

No alteration of water course except with consent of Irrigation Officer. Obligations of owners of land receiving supply from water course.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

(a) to maintain such water course in a fit state of repair; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

Enforcement of said obligations.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

Regulation of water-supply from irrigation works.

- (1) the time for letting out water for irrigation,
- (2) the period of the supply, and
- (3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

Supply of water from a new irrigation work.

such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

Circumstances in which water supply may be stopped.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom; and

(c) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

15. An Irrigation Officer may, in any year having regard to the quantity of water available in any irrigation work under his control, determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour :—

Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

- (a) Filling up *gullies*, cracks, ruts and holes ;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing such underwood as may be considered by the Irrigation Officer to be injurious ;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;
- (e) Maintaining the bund to the standard level and with the slopes specified ;
- (f) Keeping in order the feeder channels of tanks ;
- (g) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition.

Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel, or upon the report of the Patel, the Irrigation Officer, may get the work

Execution of work with hired labour on failure of customary labour.

performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determina-
tion of quan-
tum of labour
to be contri-
buted.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for
failure to per-
form custom-
ary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Offences
under the
Regulation.

33. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

Clause 15

Provisional -

1) To be supplied with water

2) with water and electricity

3) 'shall' also substituted
for 'may'

4)

The view of the non-official
members of the Committee is
that it should be mentioned
in the Bill "not less than half the
(Mr R. R. S. Natarajan is not
in favour of this view)

A date

Appendix for date of Commission

Second Appeal due
provided for

13 para

clause 14 para, except to order

of compensation or remuneration - Ch. 14 para 14 (1) (a)

15 - Instead of the words

"the authorities will be required
to ensure" substitute "to be satisfied with"

MI D.H.C. suggested that the ^{words} "the authorities will be required" ^{cannot be substituted of villages - suggested} is an exercise of discretion

section clauses is an exercise of discretion of the

the advisability of ^{Implication of Act} the

he is carrying out objects of ^{purpose} clauses of the

by framing a general word clause ^{in order to} that

be considered later

"From the date of the law"

Clause 16 - (what is meant) To be
examined

or improvement

cl 17

whether it is a discovery - comes in -
will not cl 13 need to

point to be noted - whether cl 13 can be
held to be applicable to discovery

consider suggested by Mr. H. J. D. J. D.
doubt as to whether it is applicable to cl 13 -
or whether Section 53 of the code
will apply to such cases

cl 17

Mr. H. J. D. J. D. proposed an amendment to the
cost of the cost of over 25,000 Rs.

Mr. H. C. Dasappa proposed - for the purpose
of the

At the

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution of water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution of water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestion that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

Report of the
enquiring
officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government
may abandon
or proceed
with the
scheme.

20. Upon receipt of the report submitted under section 19, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

Publication of
the scheme as
finally ap-
proved by the
Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(e) the rates at which water-rate will be imposed on the lands in the benefited area; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

2. The contribution referred to in Clause (d) of sub-section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

3. The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive

proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1881, contribution or water-rate or both at the rates referred to in section 21.

Levy of contribution and water-rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

Impressment of labour and materials for urgent works of repair, etc.

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable

property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for
materials
taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Compensation
for damage
done in taking
materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals
against orders
under sections
24 and 25.

26. Against an order under section 24 or section 25, an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

Works for
which custo-
mary labour
is enforceable.

27. The provisions of this chapter shall apply to the following irrigation and drainage works:—

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks.

works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII.)